IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 709 OF 2007
in
CRIMINAL APPEAL NO. 1343 OF 2003

Nazim Hassan Shamsu Zoha Rizvi ..Applicant

Vs.

The State of Maharashtra ..Respondent

Mr. S.D. Nangre for the applicant.
Mr. P.A. Pol, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : July 04, 2007.

P.C.:

1. Heard the learned counsel for the applicant. This is an application for modifying the condition of the bail order dated 18/12/2003 in as much as it is prayed that Condition No.2 of the said bail order be deleted.

2. The applicant states that he being in the business of production of films is required to undertake travels beyond the territories of Mumbai very often and in the past on several occasions he was

allowed to travel to Delhi under the orders of this court. He has complied with the conditions of bail order from time to time. He, therefore, prays that Condition No.2 of the bail order dated 18/12/2003 be deleted.

3. The learned APP has referred to the affidavit submitted by Shri Ashok Tukaram Duraphe, Assistant Commissioner of Police, attached to D-1/South, Detection Crime Branch, C.I.D., Mumbai and more particularly para 6 therein. It is submitted that if the applicant is allowed to go abroad or elsewhere in India, dispensing the condition no.2 of the bail order dated 18/12/2003 it will be detriment to the pending appeal, more so when the applicant is convicted in MCOC case in which Shri Chhota Shakil is a wanted criminal and who is reportedly abroad. Affiant apprehends the continuous involvement of the applicant with wanted accused if he is allowed to travel beyond the territories of Mumbai without the permission of the court. The application has been, therefore, opposed.

4. As has been done in the past, as and when the applicant comes out with a specific travel plan to go beyond the territories of Mumbai, the same could be considered on its own merits and this application to remove the condition no.2 of the bail order dated 18/12/2003 cannot be considered.

5. Hence, the application is rejected with liberty as mentioned hereinabove.

(B.H. Marlapalle,J.)